

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

GARDNER MCKAY WEAVER,
AIS #228713

Plaintiff,

vs.

DEBRA TONEY, et al.,

Defendants.

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CIVIL ACTION NO. 11-00385-WS-B

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is ADOPTED as the opinion of this Court. It is **ORDERED** that Plaintiff's Motion for Leave to Amend is **granted** to the extent that Plaintiff seeks to include a "jury trial demand" and to clarify that Defendant Toney is being sued in both her official and individual capacity. The motion is **denied** in all other respects.

DONE this 7th day of March, 2012.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE